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ORIGINALLY FILED**

Attorney Docket No.: 26998-2

#4

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

This declaration is of the following type:

- ☐ Original
- ☐ Design
- ☐ Supplemental
- ☐ National stage of PCT
- ☐ Divisional
- ☐ Continuation
- ☒ Continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the original, first and joint inventor of the subject matter which is claimed, and for which a patent is sought on the invention entitled:

**NITRIC OXIDE DONOR COMPOSITIONS, METHODS, APPARATUS,
AND KITS FOR PREVENTING OR ALLEVIATING
VASOCONSTRICTION OR VASOSPASM IN A MAMMAL**

the specification of which is attached hereto, unless the following box is checked:

[X] was filed on **February 5, 2002**, as **U.S. Continuation-in-Part Application No. 10/068,551** and was amended on **April 29, 2002**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

- [X] and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- [] in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. § 1.98.

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

NONE

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

U.S. Provisional Patent Application No. 60/062,419, which was filed on October 15, 1997; and U.S. Provisional Patent Application No. 60/069,824, which was filed on December 16, 1997.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

U.S. Patent Application No. 09/165,561 (now U.S. Patent No. 6,358,536), which was filed on October 2, 1998

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:


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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jeffrey E. Thomas**
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